534.

SUPREME COURT OF THE UNITED STATES.

No. 113.

THE UNITED STATES, APPELLANTS,

vs.

HENRY DALTON.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

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GIDEON, Print.

Transcript of the proceedings in case No. 343—*Henry Dalton, claimant, vs. The United States, defendant—for the place named "Santa Anita."*

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

Be it remembered, that on this fourteenth day of September, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Henry Dalton for the place named "Santa Anita" was presented, and ordered to be filed and docketed with No. 343, and is as follows, to wit:

(Vide page 3 of this Transcript.)

Upon which petition the following subsequent proceedings were had, to wit:

LOS ANGELES, *September* 23*d*, 1852.

In case No. 343—Henry Dalton, for the place named "Santa Anita"—on motion of the counsel for the claimant, the following order was made, to wit:

(Vide page 48 of this Transcript.)

LOS ANGELES, *November* 6*th*, 1852.

In the same case, the deposition of Abel Stearns, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, with documents marked H.H, Nos. 1, 2, and 3, and translations marked D and E annexed thereto, was filed.

(Vide page 7 of this Transcript.)

SAN FRANCISCO, *September* 21, 1853.

Case No. 343 called: The counsel for the claimant read the evidence as given, submitted, and taken under advisement by the board.

SAN FRANCISCO, *January* 17, 1854.

In the same case Commissioner Alpheus Felch delivered the opinion of the board confirming the claim.

(Vide page 50 of this Transcript.)

Petition.

To the honorable the U. S. Commissioners for the adjudication of California land claims.

Your petitioner, Henry Dalton, a resident of the county of Los Angeles, and State of California, respectfully represents:

That he claims, as owner in fee simple, a tract of land in said county situate, known by the name of the rancho of "Santa Anita." Said tract of land was originally granted, provisionally, to Prefecto Hugo Reid by Juan B. Alvarado, constitutional governor of the department of the Californias, by act of concession bearing date the 16th of April, A. D. 1841, at Monterey; which provisional concession was renewed by Manuel Micheltoreno, governor of California, on the 5th day of July, A. D. 1843, accompanied by an order of the said Micheltoreno, governor as aforesaid, to the grantee, the said Reid, to appear before him in future and obtain a title in fee simple to said lands. That the administration of said Micheltoreno being soon after succeeded by that of Pio Pico, governor ad interim of the department of Californias, and as such vested by the Mexican Government with sufficient and extraordinary powers in the premises, upon application by the said Reid to him, the said Pio Pico, governor as aforesaid, he executed in fee simple to the said Prefecto Hugo Reid *of* the said lands by grant or decree of concession bearing date the 31st day of March, A. D. 1845. The said Reid was put in judicial possession of the said lands on the 22d day of April, A. D. 1845, by the municipal authorities of the prefecture of Los Angeles, which he held uninterruptedly and peaceably from the date of said act, (and for more than three years before he had quiet and peaceable possession thereof,) until the time of the transfer of said lands to your petitioner. That the aforesaid grant in fee simple of said lands to said Reid was confirmed by the departmental assembly of California in their session, in the city of Los Angeles, of the 7th day of May, A. D. 1845. That said tract of land was granted and conveyed by the aforesaid Prefecto Hugo Reid to your petitioner, by deed of conveyance bearing date the 29th of May, A. D. 1847; said tract of land contains three square leagues of grazing land, a little more or less, according to the diagram which accompanied said grant, and is embodied in the espediente herewith filed. The boundaries of said land are well known and defined, and are described in the act of *of* judicial possession as follows, (following the translation, faithfully rendering the Spanish into English,) to wit: The first cord was extended from the sierra at a point which can be surveyed, course southwest, and there were counted and measured 7500 varas, which terminated in the plain, where I ordered a landmarked to be placed. (This is the dividing line between said lands and the ranch of Andres Duarte.) From this point, and changing the direction for a west course, the *sworn* cord was extended, and there were counted and measured 10,500 varas, which terminated bearing north, at a point which forms a line with the garden of the aforesaid Don Hugo. From here the third cord was extended in a direction towards the sierra, (mountain,) and there were measured and counted 7500 varas, which terminated at the same mountain. From here, changing the direction, we ought to have run the fourth measurement for the interior of the mountain and the ravines (canadas) which belong to Santa Anita, but not being able to do it from the broken nature and inequalities of the land, the measurement was taken along the exterior part, and there were measured and counted 10,500 varas, which terminated at the place of beginning, it being understood that the right to the ravines which are within the limits of Santa Anita is reserved to Don Hugo Reid, to complete with them the area which the land ought to have. All of said tract lies in the county of Los Angeles, joining at its southern line with the lands of the mission of San Gabriel. That said land has been in the actual possession of your petitioner from the date of said conveyance to him to the present time. That the conditions of the grant of said land to said Reid have all been faithfully fulfilled; said land has never been surveyed by the surveyor general. Your petitioner knows of no existing adverse claim to said tract of land. As evidence in support of his claim your petitioner relies upon the original espediente, diagram and provisional grants of said Governors Alvarado and Micheltoreno, fac simile copies of which, taken and certified by the surveyor general, are herewith filed. The grant of Pio Pico, a copy of which is filed; the act of judicial possession and the act of confirmation by the dep'a assembly, true copies of which are also filed. The deed of conveyance from said Reid to your petitioner, a true copy of which is hereby filed. All of the above papers (heretofore also mentioned) in this petition being in the Spanish language are accompanied with true translations into the English, (except the last paper,) which are also submitted for convenience. And he will rely upon such parol proof as may be necessary to show a full compliance with all the requisites of the law to perfect title to said lands; and he will pray that the same be confirmed to the extent of the boundaries above set forth, and that a patent may issue therefor to your petitioner. And as in duty bound, &c. HENRY DALTON,

By SCOTT & GRANGER, *Att'ys.*

Angeles, Sept. 13th, 1852.

Filed in office, Sept. 14th, 1852.

GEO. FISHER, *Sec'y.*

Deposition of Abel Stearns.

LOS ANGELES, *November* 6*th,* 1852.

On this day, before Commissioner Hiland Hall, came Abel Stearns, a witness in behalf of the claimant, Henry Dalton, petition No. 313, and was duly sworn, his evidence being given in English.

The U. S. law agent was present.

In answer to questions, by counsel for the claimant, the witness testified as follows:

My name is Abel Stearns; my age is fifty-four years, and I reside in Los Angeles, and have resided in California over twenty-three years; I am acquainted with the handwriting and signatures of Pio Pico, Juan Bandini, Vicente Sanchez, Ygnacio Coronel, and Luis Jordan.

A paper is now shown me purporting to be a grant to Prefecto Hugo Reid, of a tract of land called Santa Anita, dated March 31, 1845, to which is attached a testimonial of judicial possession, dated in April, 1845.

The signatures of the said several persons appearing on said paper I believe to be genuine.

Vicente Sanchez was acting alcalde at the date of said possession, and authorized to give it; said paper is hereto annexed, and marked H.H, No. 1.

A paper is also shown me purporting to be a certificate of the approval of said grant by the departmental assembly, dated May 10th, 1845. The signatures of said Pico and Bandini on said paper I believe to be genuine. It is hereto annexed, and marked H.H, No. 2.

A paper is now shown me purporting to be an instrument of sale from Prefecto Hugo Reid to Henry Dalton, of the rancho of Santa Anita, dated May 29th, 1847, certified by Enrique Abila, as alcalde, and witnessed, Leonardo Cota and Ignacio Coronel. I am acquainted with the handwriting and signatures of the said several persons, and believe those attached to said papers to be genuine. Said Avila was acting as alcalde at the date of said instrument, and authorized to sanction and certify the same. I was knowing to the sale from Reid to Dalton. Said paper is hereto annexed, and marked H.H, No. 3.

Mr. Reid was in possession of the rancho Santa Anita under some provisional title before the grant before mentioned was made, and had a house there which was inhabited; and he cultivated land, and had several hundred head of cattle on the land. He continued thus to occupy the land, living on it himself a portion of the time, until he sold to Dalton. Dalton has occupied the land in a similar manner from the time of his purchase to the present time.

ABEL STEARNS.

Sworn and subscribed before me,

HILAND HALL, *Com'r.*

Filed in office, November 6th, 1852.

GEO. FISHER, *Sec'y.*

1845.

Espediente promovido por Dn. Prefecto Hugo Reid, en solicitud del parage llamado "Santa Anita," concluido.

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Ex'mo S'or Gobernador:

[SEAL.]

Certifico Hugo Reid, Mexicano por naturaliza casado con Mejicana y radicado en la Ex-Micion de Sn. Gabriel ante V. E. respetuosamente, y como mas hayal lugar me presente y dijo; que por no tenen mas que un titulo provicional à mi rancho llamado Santa Anita (que se hallo agregado) unico que me han dado posecion juridica entrega por parte de la mision en tiempo de la administracion de Dn. Juan Bandini, V. S. observara que el titulo referido espresa que esta cedido provisionalmente sugetandose á pagar el cañon que me imponga si resultare pertenencer á las proprias del establicimiento de San Gabriel, cuando se haya el arreglo general de los

limites, V. E. me permitica imponer le 1o., que dicho rancho no entrar á seu sus limites; 2o., que el mismo gobierno ha cedido despues titulos en propiedad del terreno tan cercano á la mision como el mio; 3o., que los titulos á que refiere han sido dados ó particulares cuando yo tengo mas derecho por ser casado con una hija le la misma mision, quien trabajo personalmente, mas sus padres y primer mando en el fomente de dicho establicimiento, tan poca segundad tengo sin me posecion y titulo como es dibido, que en el mismo año C. Andres Duarte pidio un terreno valdio de la mision ó incluyena parto de mi rancho en su diseño pa. no tener posecion juridica y para no emprenda cuestiones tuve que ceda al despojo siendo sin certificado del juez del hecho ò que tambien acompaño. A V. S. pido que se sirva mandar me librar un titulo en propriedad pa. tres sitios de ganado mayor, quedando me obligado despues de recibir la posecion pa. el juez de presentar un diseño exacto de su entregue pa. ser archivado adonde se corresponde. Por tanto suplico á la recta justificacion de V. E., que se digne ceder á esta mi solicitud, jurando lo necesario, admitiendo me la presento en papel comun, por no haber en el lugar del sello correspondiento.

PREFECTO HUGO REID.

San Gabriel, Junio 2, del 1843.

MISION DE SN. GABRIEL, *Junio* 5, *d.* 1843.

Se le puede conceder al interesado el titulo de propiedad del terreno que llaman Sta. Anita pa. hallarse enteramente valdio, en precio de las servicios enagados en beneficio de esta miscion pa. su esposa, y pa. sa finado, mando Don Pablo que dio tanto servicio á dha. mision.

F. THOMAS ESTENEGA.

Julio 5, de 1843. M

Por las notorias y preferentes atenciones de este gob'o no pueda por ahora estenderse titulo, pa. sirva este provisionalmente, con la atestacion de occuno a y en las esindas en forma cuando representa que *raoviado* definitavamente este gobierno.

MICHELTORENA.

[SEAL] Juan B. Alvarado, Governador Constitucional del departamento de los Californias:

Por Don Prefecto Hugo Reid, naturalizado y casado con Mejicana, ha pretendido para su beneficio personal y el de su familia el paraje conocido con el nombre de Santa Anita, practicadas previamento las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos; usando de las facultades que me sur conferidas, he venido por decreto de esta dia concederle provisionalmente el mencionado paraje sugetandose á payar las rentas que se le imponga se resultarse pertenecer á las proprias del establicimiento de San Gabriel, usandose bajo el arreglo general de limites, y bajo las condiciones de no impedir el uso de las aguas y mandenas el mencionado establicimiento, y sin prejudicar las travesias, caminos y servidumbres. En consecuencia tomese razon de esta concecion provisional en el libro respetivo, y entreguese al interesado para su resguardo y demas fines.

Monterey, diez y seis de Avril, de mil ochocientos cuarenta y uno.

JUAN B. ALVARADO.
MANUEL JIMENO, *S'ro.*

Queda tomada razon de esta concesion provicional en el libro respetivo a f's 3, ve. JIMENO.

Sello Tercero, Dos Reales.

Habilitado provisionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

XIMENO. ANT'O M'A OSIO.

Ignacio Palomares, juez 1o. de paz, en la ciudad de Los Angeles de 1o. instancia, en la capital de 2o. distrito, certifico que en todo forma de derecho que el dia ocho del presente hallandome en un paraje de la miscion de Sn. Gabriel, llamado lomera blanca en cual se halla incluso en el titulo y posecion de Don Andres Duarte, como de efectuarse las medidas disputaron Don Hugo Reid, y el citado Duarte sobre la pertenencia del terreno, y despues de algunos diferencias lo que enviar los recomenda ambos Reid y Duarte, pa. linea divisoria en sus linderos de Azusa y Santa Anita un Roble, que se halla, al oeste de Azusa a cuyo Roble se dieron una mojonera siendo estas linderos ó limites respetados por los contendientes, y para que en la sucesivo no halla otra contienda de igual naturaleza pidio Don Hugo Reid, del reconocimiento de ambos linderos, un certificado que es el presente dado hoy nueve de Junio, de mil ochocientos cuarenta y uno, firmandole con mis testigos de asistencia.

Sello Tercero, Dos Reales.

Habilitado provisionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

JIMENO,
ANTONIO M'A OSIO,
YGNACIO PALOMARES,
Segundo doy fé. FRANCO. OCAMPO.

Ex'mo S'or Gobernador:

Prefecto Hugo Reid, Mejicano por naturalization, casado con Mejicano y radicado en la ex-micion de San Gabriel, ante V. E. represente'nte en la mejor forma y como mas haya lugar en derecho se presenta deciendo; que segun las documentas que acompaña V. E. se impondra á sigue noticando mas titulo para mi rancho llamado S'ta Anita, que un titulo propicional cedir por el S'or Gobernador Don Juan B'ta Alvarado, el dia 16 de Abril, de 1841, segun mena representacion al Señor E. Gobernador Don Manuel, en note Junio de mil ochocientos '43, pidiendo que no manolará libre un titulo de propiedad para dicho parage conteniendo seis sitios de ganado mayor, que en la misma fecha pidiere informe nueva al Padre Mi'stre de d'to mission que en á los cinco dias del mismo mes y año, informo á favor de V. E. se impondra por el decreto á la razon por que el gobierno me estendio huyo al referido titulo de quien por que ya hallaba por salen las puntos del norte, pero me impone las obligaciones de occurrio para este documento tan luego como supiere que dicho gobierno se hallase radicaido definitavamente, que desde aquella f'cha hasta ohora ignoraba si el gobierno se hallara radicado bleq. m'tmt'e año, y por la misma razon no imprendo viaje trabajo pero conoces que el gobierno esta establecido y con voluntad de abrir en todo lo necesario para bien del pais mi presente ante V. E., pa. que se digne mandar librar el titulo, en propiedad ql. tan justamento pédo, por que por falta la posecion necesaria teniendole que otras pretendientes a terrenos valdios hayan sus mencionadas ocurso hacerlos de lugar á desprecios y plutos. Por tanto suplica a la recta justificacion V. E. Ea., que daligne acceder á esta mi solicitud. Jurando lo necesario; admitiendo la presente en papel comun, por no haber del sello que corresponde.

Ex-Micion, de San Gabriel, Marzo 13, 1845.

PREFECTO HUGO REID.

ANGELES, *Marzo* 13, *de* 1845.

Devuelvase admitendolo pa. que presente la correspondiente diseño figando las limites pa. conceder las colindantes immediatas.

PICO.

ANGELES, *Marzo de* 27, *de* 1845.

Se concede el interesado la propiedad de tres sitios de ganado mayor en el parage de Santa Anita, porqne á virtud librese el correspondiente titulo con arreglo al diseño que se a compaña y archiva el presente espediente, para las efectas que sean necesarias, asi yo Pio Pico, gobernador de las Californias, lo decreté, mandé y firme, doy fée.

PICO.

Ex'mo Señor Gobernador:

En debida complem'to de esto decretó du E., f'ha 13 del instance, acompaña el deceño del rancho, figando las limites y colindantes, V. E. se observa que he tirado el lindero del de este ó oeste en tal manera que alujo afuera todas las disputas y poseciones de Indios y otros con los terrenos que podrau gamer ahora o despues las neofitas de la mision, pa. cultivar no quedando adentro de un sitio aguage ninguna par esto rancho, tomando las cienegas por lindero que suplia el agua necesario pa. ser ruego des de la pera, y cuya agun corre al sur tal vez por mi diseño salia poco mas de tres citios que pido sin embargo, de rumbo ya mencionado de este al oeste incluyo todo el terreno desde las limites del rancho del Ciudadano Andres Duarte, hasta la mésa del Rincon incluso; avande remater el lindero quida conforme la micion que tomara al Señ'r

Garfias del terreno que pidio de San Gabriel, V. E. se servira admitir la presente la papel comun, por no hacer en el lugar del sello que corresponde. San Gabriel, Marzo 17, de 1845.

PREFECTO HUGO REID.

Queda des pachado en esta f'ha Marzo 21, de 1845.

JUAN BANDINI, *S'rio.*

Angeles, *Abril* 25, *de* 1845.

Dada cuenta en session de hay con este espediente se para a la comicion de terrenos baldios.

PIO PICO.

Agustin Olvera.

[*For map see original, page* 14.]

Ex'mo S'or:

La comicion de terreno baldias havista y escaminado con todo la atencion que se ha leido posible el espediente formado del terreno Santa Anita, concedido al Señor Don Prefecto Hugo Reid, por la que entendiendose en conocimiento de hallars practicado todas las diligencias que aparener, con lo que sobre el particular disfreuen las leyes propiedad en el terreno al interesado, la comicion en virtud de este pone a la deliberacion del respetable cuerpo la proposiciones siguientes: Se aprueba la concesion hecha al ciudd'no Prefecto Reid del parage nombrado Santa Anita, concedido provisionalmente de 16 de Abril, 1841, y en propiedad el dia 21 de Mayo, del presente año, de entera conformidad con lo provenido en la ley de diez y ocho de Agosto, de 1824, y articulo 24 del reglamentos de veinte y cinco de Noviembre, de mil ochocientos y ocho.

Angeles, Mayo 3, de 1845.

YGNO. DEL VALLE,
NARCISSO BATTELLO.

Ang's, Mayo siete de Noviembre, de mil ochocientos cuarenta y cinco.

En sesion de este dia se aprobo por la ex'ma asemblea departamental, la proposicion del dictamen antecedente, mandando se devuelva el espediente al ex'mo s'or gobernador para los fines consequiente.

PIO PICO,
AUGUSTIN V. OLVERA, *S'rio.*

ANGELES, Marzo diez, de mil ochocientos cuarenta y cinco.

En vista de la aprobacion otorgada en siete del presente mes por la ex'ma assemblea de este departamente librese testimonio de mas de a decreto a la parte de Dn. Prefecto Hugo Reid, in confirmacion â la concesion del terreno de Santa Anita, q'l por legal titulo obtuvo del supremo gobierno int'o del depart'nto de las Californias, asi lo mandó, decretó y firmo, de que doy fé.

PIO PICO,
JUAN BANDINI, *S'rio.*

Queda tomada razon de este titulo en el libro respetivo.

OFFICE OF THE SURVEYOR GENERAL
OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, surveyor general of the United States for the State of California, and as such having in my office and under my custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, do hereby certify, that the eighteen preceding and hereunto annexed pages of tracing paper numbered from one to eighteen, and each of which is verified by my initials (S. D. K.,) exhibit true and accurate copies of certain documents on file and forming part of the archives in this office.

In testimony whereof, I have hereunto signed my name officially, and affixed my private seal (not having a seal of office,) at the city of San Francisco, Cal., this 29th day of August, 1852.

SAMUEL D. KING,
Surveyor Gen'l, Cal.

Filed in office, Sept. 14th, 1851.

GEO. FISHER, *Sec'y.*

B.—Translation of Espediente.

Most Excellent Governor:

Prefecto Hugo Reid, a Mexican by naturalization, married to a Mexican woman, and established in the mission of San Gabriel, before Y. E., respectfully, and at the most opportune occasion presents himself, and says: That having nothing more than a provisional title to my rancho, called Santa Anita, which is joined with this, they have never given me juridical possession except a delivery on the part of the mission, in the time of the administration of Dn. Juan Bandini; Y. E. will observe that the title referred to expresses that it is ceded provisionally, subjecting me to pay the fee which may be imposed on me if it results that it appertains to the property of the establishment of San Gabriel, whenever there may be a general regulation of its limits. Y. E. will permit me to represent: 1st. That said ranche will not enter those limits. 2nd. That the government has since granted titles in property of lands as near to this mission as mine are. 3d. That the titles to which I refer have been given to private individuals, when I

have a better right from being married to a daughter of the mission aforesaid, who worked personally, both she, her parents, and former husband, in the foundation of said establishment. So little security have I without a possession and title that is proper, that in the same year the citizen Andres Duarte petitioned for unoccupied land of the mission, so as to include part of my ranche in his diagram; by my not having judicial possession, and not engaging in disputes, he had the demarcation granted, taking, and a certificate from the judge of the act, and which also accompanies this. I beg your excellency to command me to be supplied with title in property for three leagues of grazing land, leaving me obligated after having received the possession by the judge, to present a diagram exact of the delivery, to be filed among the proper archives. Wherefore I supplicate of the correct judgment of Y. E. that you will deign to grant me this my petition, swearing that it is necessary, &c.

Admit the present on common paper, for want, in its place, of the sealed that corresponds.

PREFECTO HUGO REID.

San Gabriel, June 2d, 1843.

MISSION OF SAN GABRIEL, *June 5th,* 1843.

The title of property in the land which they call Santa Anita can be granted to the interested party, because it is unoccupied entirely, and for the reason of services rendered for the benefit of this mission by his wife and her late husband, Pablo, who rendered so much service to said mission.

FRAY. THOMAS ESTENEGA.

July 5th, 1843.

On account of the noted and pre-existing business of this government, it could not, to the present time, attend to the title; the present may serve him provisionally, with the obligation to appear again, to obtain for himself a grant in form when this government is definitively established.

MICHELTORENO.

Juan B. Alvarado, Governor Constitutionally of the Department of the Californias:

Whereas Don Prefecto Hugo Reid, a naturalized citizen, and married to a Mexican woman, has petitioned for his personal benefit, and that of his family, the place known by the name of Santa Anita, the proceedings and relative investigations having been gone through with according to the direction of the laws and regulations, exercising the authority conferred upon me, I have concluded by a decree of this day to grant him provisionally the aforesaid land, the fee that may be imposed, if it shall belong to the lands of the establishment of San Gabriel, whenever a general regulation of its limits is made, and under the condition that he will not prevent the use of the waters and timber to the aforesaid establishment, and without his prejudicing the cross-roads and the easements.

Wherefore take copy of this provisional grant in the proper book, and deliver it to the party interested for his security and further ends.

JUAN B. ALVARADO.

Monterey, 16th of April, 1841.

MAN'L JIMENO, *Sec'y.*

Copy is taken of this provisional grant in the proper book, at leaf 3, the other side.

JIMENO.

Seal of the 3d Class, 25c.

Qualified provisionally for the maratime custom-house of the port of Monterey, for the years 1840 and 1841.

JIMENO,
ANTONIO MARIA OSIO.

Ygnacio Palomares, 1st Justice of the Peace of the city of Los Angeles, and of the 1st instancia, in the capital of the 2d district, &c.

I certify by every form of law, that on the 8th inst. I was in a place of the mission of San Gabriel, called the White Table Land, which is included in the title and possession of Don Andres Duarte; in the settlement of the survey of the land Don Hugo Reid and the said Duarte disputed in regard to the ownership of the land, and after some differences they came to an agreement, both Reid and Duarte acknowledging for a dividing line in the bounds of Azusa and Santa Anita, an oak tree, which is at the west of Azusa, at which oak tree were given some hatchet cuts, those limits being respected by the contestants, and because in the incidents nothing else was recognised of equal nature.

Don Hugo requested a certificate of the recognition of both boundaries, which the present is given to-day, the 9th of June, 1841; I signing it with my assistant witnesses according to law.

I attest: YGNACIO PALOMARES.
Asst: Ygnacio Coronel,
Asst: Francisco Ocampo.

His Excellency, the Governor ad interim of the Department:

Prefecto Hugo Reid, a Mexican by naturalization, married to a Mexican woman, and established in the ex-mission of San Gabriel, before Y. E., most respectfully, in the best form and most proper in law, presents himself, stating:

That according to the accompanying document Y. E. will be informed that having no more title for my rancho, called Santa Anita, than a provisional one granted by the governor, Juan B. Alvarado, the 16th April, 1841, I made a new representation to his excellency the governor, Manuel Micheltoreno, on the 2d June, 1843, praying that he would order me to be given a title in property for said place, containing three leagues of grazing land. That on the same date the father minister of the mission was asked for a new report, who, on the 6th day of the same month and year, reported favorably. Y. E. will be informed by the decree of the reason that the government did not immediately extend the desired title, to wit, that it was then about to move to points north, but it imposed on me the obligation to return for the desired document as soon as I heard that the government was definitively established; that from that date until now I have been ignorant whether the government was definitively established or not, and for the same reason I did not undertake any journey so distant; but as the government is, as it appears now, established, and with a will to operate in every necessary manner for the welfare of the country, I present myself before Y. E., that you will deign to execute to me the title in property which I so justly request, since for want of the necessary possession other persons asking unoccupied lands will be impeded in making their memorials, or in case of making them opportunity will be occasioned for disagreements and lawsuits.

Wherefore I pray that the correct judgment of V. E. will deign to accede to this my petition, swearing that it is necessary, &c.; admit the present on common paper for want of the respective sealed in its place.

Ex-mission of San Gabriel, March 13, 1845.

PREFECTO HUGO REID.

(Endorsed:)

ANGELES, *March* 13, 1845.

Let this be returned to the party interested, that he may present the corresponding map or diagram, fixing the limits so as to know the immediate adjoining claimants.

PICO.

[Also endorsed on the same is the following:]

ANGELES, *March* 27, 1845.

To the party interested is granted the property in three leagues of grazing land in the place of the Santa Anita, by virtue of which let the proper title be issued to him, agreeably with the diagram which accompanies it, and file in the archives the present espediente for necessary purposes.

Thus I, Pio Pico, governor ad interim of the department of Californias, decreed, ordered and signed it.

I attest: PICO.

His Excellency the Governor:

In the due fulfilment of the decree of Y. E., dated 13th inst., I present the diagram of the ranch, fixing its limits and adjoining neighbors; Y. E. will observe that I have extended my boundaries east to west in such manner as to exclude the fields and all the possessions of Indians and others with the lands they could now enjoy, or that the neophites of the mission could hereafter cultivate, not leaving by this course any spring within my tract, taking for a boundary the swamps (cienegas) which supply the water necessary for the irrigation of said mission from the Amus, the water of which runs to the south.

Possibly, my diagram will encompass a little more than the leagues which I asked for, notwithstanding of the course just mentioned, of east to west; all the land is included from the limits of the rancho of the citizen Andres Duarte, to the table lands of the Rincon (angle of the mountain,) inclusive, where terminates the boundary which I left, as belonging to the mission, and which Mr. Gaifias will take in the lands which he has asked for, San Pascual.

Y. E. will please to admit the present on common paper, for want of the proper sealed in its place.

San Gabriel, March 17th, 1845.

PREFECTO HUGO REID.

(Endorsed:)

The despatch is received and filed on this date.

Angeles, March 31st, 1845.

JUAN BANDINI, *Sec.*

(Endorsed also:)

ANGELES, *April 25th*, 1845.

Account of this espediente was given in session of to-day, and was passed to the committee on unoccupied lands.

PIO PICO.
AUGUSTIN OLVERA,
Sec'y.

SIR: The committee of unoccupied lands has seen and examined, with all the attention that has been possible, the espediente formed respecting the land Santa Anita, granted to Prefecto Hugo Reid, having informed itself that all the proceedings have been gone through with, as they fully appear, and as the laws direct concerning the particulars, and that it would be sufficient to give to the party interested property in the land, the committee, in virtue thereof, submits to the deliberation of your honorable body the following proposition:

The grant made to the citizen by naturalization, Prefecto Hugo Reid, of the place called Santa Anita, is approved, which was granted to him provisionally, from the 16th of April of the year 1841, and on property on the 31st day of March of the present year, in entire conformity to the provision in the law of the 18th of August, 1824, and the 5th article of the regulations of the 21st November, 1828.

Angeles, May 3d, 1845.

YGNACIO DEL VALLE,
NARCISO BOTELLO.

ANGELES, *May* 7, 1845.

In session of this day the proposition of the foregoing resolution is approved by the honorable departmental assembly, and it is further ordered, that the espediente be returned to the most excellent governor for convenient purposes.

PIO PICO,
Presid'te.
AUGUSTIN OLVERA, *Sect.*

ANGELES, *May* 10*th*, 1845.

Upon sight of the approbation of the most excellent assembly of this department, delivered on the 7th of the present month, let testimony thereof be issued to the party, Prefecto Hugo Reid, in confirmation of the grant of the land of Santa Anita, which by a legal title he obtained of the superior government.

Pio Pico, the oldest member of the honorable assembly, governor ad interim of the Californias, thus ordered, decreed, and signed, which I attest.

PIO PICO,
JUAN BANDINI,
Secretary.

Copy of this title remains, taken in the respective book.

Filed in office, September 14, 1852.

GEO. FISHER, *Sec'y.*

Venta del Rancho de Santa Anita, año de 1847.

H.H, No. 3.

Document H.H, No. 3, *annexed to the deposition of Abel Stearns.*

1. En la ciudad de Los Angeles, de la Alta California, a los veinte y nueve dias del mes de Mayo, de mil ochocientos cuarenta y siete, ante mi, Enrique Avila, alcalde, segundo y fungiendo de primera instancia interino, y por mis testigos de asistencia, con quenes actuo por receptoria a falta de escribano publico a mas de las instrumentales que al fin se nominaran comparecio Don Prefecto Hugo Reid, de esta vecindad, a quien doy fee conozco y digo; que por si ya nombré de sus herederos, subcesores y de quien de ellos hubiere titulo, voz y causa en cualesquera manera vende y dá en venta real y enagluacion perpetua, por poro de heredad, para siemper jamas, al S'or Don Enrique Dalton y a los suyos, correg'do] el rancho conocido con el nombre de Santa Anita constante de tres sitios de ganado mayor, con casas, corales y algunos plantos frutales; esceptarondore unicamente un terreno que se halla a la espalda de la huerta y viña del otorgante, al cual se le incluye una casa nueve recien fabricada y concluzco pasado un poco la presa del agua con que riega la viña; de suerte que queda tambien inclusa la misma presa y serviendo de lindero para dividir la propiedad. El terreno que aqui menciona está situado á espaldos de la mission de San Gabriel, y del que presentó el titulo respectibo; que por tanto le corresponde en posecion y propiedad por lo cual declarez asegura no tenerlo vendido, enagluado ni empeñado, y esta libre de toda memoria, tributo, cappellaria, vinculo, patronalo fianza y de otro gravamen, real, perpetuo,

temporal, especial, glueral, tacito y espreso; y como tal se lo vende con todas las entradas, salidas, pastos, abrevaderos, montes, vejas, dehesas, correg'do] aguages, regalias, servidumbres, y demas cosas anecsas que ha tenido y tiene y le pertenecen segun derecho, por dos mil setecientos pesos que tiene recibida y pazaron a su poder real y efectivamente, segun convenieron particularmente, de cuya entreza y recibo se dá por satisfecho, y confiesa haberlos recibido como pagadas a su voluntad. Por tanto renuncia la escepsion que pudiera o ponerse por no constar de presente la ley nueve, titulo uno, parte cinco; fomaliza a favor del comprador la mas firmé y eficaz carta de payo que a su seguridad conduzca; y asi mismo declara que el justo precio y verdadero valor del referido terreno y demas fincas, son los das mil setecientos pesos que no vale mas, ni hallo quien mas le diese, y si mas vale ó valor pueda, del esceso en poca ó mucha suma hace á fabor del comprador y sus herederos subcesores, gracia y donacion, pura, meva, perfecta é irrevocable la sanidad con insinuacion y demas firmezas legales; [3] renuncia la ley dos, titulo uno, lib. 10, novisima recopilacion, que trata de los contratos de venta, trineques y de otros en que hay lesion en mas o menos de la mitad del justo precio; y las cuatro años que prefiera para pedio su resicion ó suplimiento a su justo valor, los que da por pasadas como si efectivamente lo estubieron.

Y desde hay la adelánte para siempe, se desapodera del dominio, propiedad, posecion, titulo, voz, recurso, y otro cualesquira derecho que le competa al enunciado rancho, lo cede, renuncia y traspasa, con las acciones reales, personales, utiles, mistas, directas, y ejecutivas en el comprador ó en quien la suya represente para que la posea, goze, cambio, enaglue, use y disponga de ello a su eleccion como de cosa suya adquirida con legitimo y justo titulo; le confiere poder irrevocable con libre, franca y general administracion, y le constituye procurador actor en su propia causa, para que de su autoridad o judicialmente entre y se a podere del repitido rancho y del tome y prenda la real tenencia y posecion que por derecho le compete; con lo cual sin otro auto de aprehendido y transferidole, y en el interim se constituye su inquilíno tenedor y precario posedor la legal forma. Y se obliga á que dicho rancho será cierto, seguro y efectivo al comprador, y nadie le inquietara ni movera pleito, sobre su propiedad posecion, goze y disfrute ni contra ello aparezca gravamen alguno, y si se le inquietare ó moviere, luego que el otorgante y sus herederos, subsesores sean requiridos conforme a derecho, saldran a su defensa y le seguran en todas instancias correg'do] y tribunales hasta ejecutoriarlo, y dejar al comprador ya los suyas en libre uso, quita y pacifica posecion; y no pudiendo conseguirlo, le daran otro igual la valor, fabrica, sitio, vénta y comodidades; y la su defecto le restituiran la cantidad que ha desembolsado, las mejores utiles precisas y voluntarias que a la razon tengan el mayor valor y estimacion que con el tiempo adquiera, y de todas las costas, gástos, intereses ó menos cabos que se le seguieron é irrogaren; por todo lo cual se le ha de poder ejecutar en virtud de esta escritura ó juramento del que la posea ó en quien difiera su importe y lo releva de otro prueba. Y a la observancia de todo lo referido, obliga su persona y bienes habidos y por no haber, y con ellos se somete al fuero y jurisdiccion de los señores jueces, que de este negocio devan conocer conforme a derecho, para que le compelan y a premien a su cumplimiento por todo rigor de derecho y via ejecutiva, como por sentencia definitiva de juez competente, pasada en autoridad de cosa juzgado consentida y sin mas recurso, renuncia su propio fuero, domicilio y vecindad, las leyes de su favor y defenza con la glueral del derecho en forma la cuyo testimonio, asi lo otórgo y firmo conmigo y los de assistencia. Fueron los instrumentales, los ciudadanos José Vicente Guerrero y Casildo Aguila, presente y vecinos, doy fé. No hay papel sellado.

ENRIQUE ABILA,
FREFECTO HUGO REID.

Asistence:
YGNACIO CORONEL.
Assistence:
JOSE M'A RAMIREZ.
Instrumental:
CASILDO AGUILAR.
Instrumental:
JOSE VICENTE GUERRERO.

Nóta aclaratatria.—El terreno de que se hace mencion tras de la casa de huerta, conocido con el nombre de uba espina es de quarentos varas de fondo al oéste de dicha propiedad, y de largo ochocientos cincuenta de sur á norte.

AVILA.

Concuerda con su original á que me remitir y se halla en el libro de instrumentos publicos de este año del qe. se sáco, corregío y confrontó fiel y legalmente en estas cinco fojas de papel comun, por faltado de sellado, doy fé. Fecha ut suprá.

ENRIQUE ABILA.

Ass'a: LEONARDA COTA.
Ass'a: YG'O CORONEL.

Filed in office, Nov. 6th, 1852.

GEO. FISHER, *Sec'y.*

Translation of Document H.H, No. 3.

Deed of sale of the Rancho of Santa Anita, in the year 1847.

At the city of Los Angeles, Upper California, on the twenty-ninth day of the month of May, one thousand eight hundred and forty-seven, before me, Enrique Abila, the second alcalde, acting of the 1st instance for the time being, and before my attending witnesses with whom I act by commission, for want of a notary public, besides the subscribing witnesses, at the foot hereof named, appeared Don Prefecto Hugo Reid, of this vicinity, whom I testify I know, and stated that for him-

self, and in the name of his heirs and successors, and of whomsoever of them who may acquire right, power, and cause in any way whatsoever, he doth hereby sell and grant in actual sale and perpetual alienation, perpetually and forever, unto Señor Don Enrique Dalton, his heirs, executors, and assigns, the rancho known by the name of Santa Anita, consisting of three square leagues, (sitios de ganado mayor,) together with the houses, corrales, and some fruit trees, excepting only a tract of land lying backwards of the orchard and vineyard of the vendor, which embraces a house recently built, and ends a little beyond a trench of water, with which the vineyard is irrigated, so that the same trench is also included therein, answering as a boundary to divide the property. The tract of land herein mentioned is situated backwards of the mission of San Gabriel, and of which he, the said Prefecto Hugo Reid, produced the proper title, whereby it pertains to him in possession and fee; whereupon the said Prefecto Hugo Reid hereby declares and assures not having sold it, alienated, or mortgaged, and that the same is free from all charges, taxes ecclesiastical, incomes, entail, patronage, bond, and other incumbrances, seal, perpetual, temporal, especial, general, tacit, and expressed, and as such it is hereby sold, together with the right of ingress and egress, use of pasture, watering-places, woods, plains, commons, streams, privileges, servitudes, and other appurtenances, which the same has had, and has, pertaining thereto according to law, for two thousand and seven hundred dollars, which the said Prefecto Hugo Reid did receive; and they "*and they*" were delivered to him actually and effectually, as they had agreed, specially of the delivery and receipt, whereof he, the said Prefecto Hugo Reid, is satisfied, and confesses having received them to his satisfaction; therefore he relinquishes the right which the law 9th, title 1, part 5th, might afford him for the payment and delivery, not having been verified at the present time, he executes to the vendee a most firm and effective discharge that may stand for his safety; and likewise he declares that the said two thousand and seven hundred dollars is a fair price, and the real value of the said tract of land, and of the improvements thereon; that the same is not worth more, nor did he find any one who would have offered more, and that it is or may be worth more; the overplus thereof, great or small, he confers for the benefit of the vendee, his heirs and successors, as a pure, more perfect, and irrevocable grant and donation, firmly with the production of these presents, before any competent judge for the interposition of a judicial decree, and with other legal securities, he relinquishes the law 2, title 1, lib. 10, Novisimos Recopilaciones, relating to contracts of sale, barter, &c., where there is a fraud, more or less, of the moiety of a fair price, and he grants as expired, as if it actually were the term of four years determined for, demanding a rescision or adjustment of a fair price, and from henceforth forever the said Prefecto Hugo Reid dispossesses himself, relinquishes, quits, and withdraws, and separates from himself, and his heirs and successors, the domain, fee, possession, right, title, and recourses, and any other right whatsoever appertaining to the said rancho, and transfers the same unto the vendee, his heirs, executors, administrators, and assigns, together with the real, personal, useful, mixt, direct, and executive actions, in order that he may possess it, enjoy, barter, alienate, use, and dispose of the same at his discernment, as of his own property, acquired by a legal and right title; and the said Prefecto Hugo Reid hereby confers upon the said Enrique Dalton inviolable power, with free and general administration, and constitutes him attorney and plaintiff in his own cause, that he, the said Enrique Dalton, may, of his own authority, or judicially, enter upon and occupy the said rancho, and have and hold the actual tenancy and occupation of the same, which by right it pertains to him; whereby any other act of possession is to be considered as it having been had, held, and transferred unto him; and in the interim he constitutes himself the tenant, holder, precarious possessor, in legal form of him, the said Enrique Dalton.

And the said Prefecto Hugo Reid hereby promises and agrees, that the sale of the said rancho shall be sure, secure, and effective to the vendee, and that nobody shall disturb, nor move an action against him in respect to the ownership, possession, and enjoyment, nor shall there be any other disturbances whatsoever; and if the said Enrique Dalton should be disturbed, or an action should be brought against him, as soon as he, the vendor, his heirs or assigns, be required to, according to law, he or they shall come forward in defence, or prosecute another in all courts and tribunals, until he should obtain a judgment in favor of him, the vendee, and leave him, his heirs, executors, administrators, or assigns, in free enjoyment, and quiet and undisturbed possession; and, in case he should not obtain it, he or they shall give the said Enrique Dalton another rancho equal in value, situation, utility and conveniences, and in default whereof, he or they shall return to the said Enrique Dalton the sum which he has paid, with all the useful and necessary improvements, which at that time may have the highest value, and *paid* to be obtained opportunely, and pay all costs, charges, interest, or damages, that may be occasioned thereby, for all which the said Enrique may have an execution by virtue of this deed, or of an affidavit; and for the due performance of all the above mentioned, the said Prefecto Hugo Reid hereby binds himself and his present and future estate, and therewith he submits to the juridical power and jurisdiction of the courts, which ought to take cognizance of a similar subject according to law; that they may compel him to the fulfilment thereof by all rigor of law, and in an executive mode, as if by a definitive judgment of a competent court, passed by authority of a tried cause consented to, and without further recourses, and lastly he relinquishes his own privileges and right acquired by his residence; the law is in his favor and defence, and the general one of right. In testimony whereof, the said Prefecto Hugo Reid agreed hereto, and signed his name with me, and the attending witnesses, citizens José Vicente Guerrero and Casildo Aguilar, being the subscribing witnesses, which I attest. There is no stamped paper.

ENRIQUE ABILA,
PREFECTO HUGO REID.

Attending witness:
IGNACIO CORONEL.
Attending witness:
JOSE MA. RAMIREZ.
Subscribing witness:
CASILDO AGUILAR.
Subscribing witness:
JOSE VICENTE GUERRERO.

Explanatory note.—The tract of land of which mention is made, to be lying backwards of the orchard's house, known by the name of "Uva Espina" (gooseberries,) is of five hundred varas in breadth to the westward of said property, and of length eight hundred and fifty varas from the south to the north. AVILA.

This agrees with the original to which I refer, and it is in the book of public instruments of this year, from which the same is taken, counted and compared faithfully and legally in these five sheets of common paper, for want of stamped, which I attest. Date ut supra.

(Signed) ENRIQUE ABILA.
Witness: (Signed) YGO. CORONEL.
Witness: (Signed) LEONARDO COTA.

I, George Fisher, secretary of the United States land commission to ascertain and settle the private land claims in the State of California, do hereby certify, that the foregoing is a true and correct translation of a Spanish document, in case No. 343, wherein Henry Dalton claims the rancho of Santa Anita, now on file in this office.

In testimony whereof, I have hereunto signed my name, office of the secretary of said commission.

San Francisco, California, this 12th day of January, A. D. 1854.

GEO. FISHER, *Sect'y.*

Document H.H, No. 2.—Annexed to the deposition of Abel Stearns.

H.H, No. 2.

Se aprueba la consecion hecha al ciudadano por naturalisacion Prefecto Hugo Reid, del parage nombrado Santa Anita, concedido provisionalmente desde 16 de año de 1841, y la propiedad el 31 de Mayo, del presente año de entera conformidad con lo prevenido en la ley de diez y ocho de Agosto, de 1824, y el articulo quinto del reglamento de veinte y uno del Noviembre, de mil ochocientos veinte ocho.

ANGELES, Mayo siete de mil ochocientos cuarenta y cinco.

En sesion de esta dia se aprobó por la honorable asamblea departamental la proposicion del dictamen antecedente mandando se derecho courses, and any other right whatsoever appertaining to the said rancho, and transfers the same unto the vendee, his heirs, executors, administrators, and assigns, together with the real, personal, useful, mixt, direct, and executive actions, in order that he may possess it, enjoy, barter, alienate, use, and dispose of the same at his discernment, as of his own property, acquired by a legal and right title; and the said Prefecto Hugo Reid hereby confers upon the said Enrique Dalton inviolable power, with free and general administration, and constitutes him attorney and plaintiff in his own cause, that he, the said Enrique Dalton, may, of his own authority, or judicially, enter upon and occupy the said rancho, and have and hold the actual tenancy and occupation of the same, which by right it pertains to him; whereby any other act of possession is to be considered as it having been had, held, and transferred unto him; and in the interim he constitutes himself the tenant, holder, precarious possessor, in legal form of him, the said Enrique Dalton.

And the said Prefecto Hugo Reid hereby promises and agrees, that the sale of the said rancho shall be sure, secure, and effective to the vendee, and that nobody shall disturb, nor move an action against him in respect to the ownership, possession, and enjoyment, nor shall there be any other disturbances whatsoever; and if the said Enrique Dalton should be disturbed, or an action should be brought against him, as soon as he, the vendor, his heirs or assigns, be required to, according to law, he or they shall come forward in defence, or prosecute another in all courts and tribunals, until he should obtain a judgment in favor of him, the vendee, and leave him, his heirs, executors, administrators, or assigns, in free enjoyment, and quiet and undisturbed possession; and, in case he should not obtain it, he or they shall give the said Enrique Dalton another rancho equal in value, situation, utility and conveniences, and in default whereof, he or they shall return to the said Enrique Dalton the sum which he has paid, with all the useful and necessary improvements, which at that time may have the highest value, and *paid* to be obtained opportunely, and pay all costs, charges, interest, or damages, that may be occasioned thereby, for all which the said Enrique may have an execution by virtue of this deed, or of an affidavit; and for the due performance of all the above mentioned, the said Prefecto Hugo Reid hereby binds himself and his present and future estate, and therewith he submits to the juridical power and jurisdiction of the courts, which ought to take cognizance of a similar subject according to law; that they may compel him to the fulfilment thereof by all rigor of law, and in an executive mode, as if by a definitive judgment of a competent court, passed by authority of a tried cause consented to, and without further recourses, and lastly he relinquishes his own privileges and right acquired by his residence; the law is in his favor and defence, and the general one of right. In testimony whereof, the said Prefecto Hugo Reid agreed hereto, and signed his name with me, and the attending witnesses, citizens José Vicente Guerrero and Casildo Aguilar, being the subscribing witnesses, which I attest. There is no stamped paper.

ENRIQUE ABILA,
PREFECTO HUGO REID.

Attending witness:
Ignacio Coronel.
Attending witness:
Jose Ma. Ramirez.
Subscribing witness:
Casildo Aguilar.
Subscribing witness:
Jose Vicente Guerrero.

Explanatory note.—The tract of land of which mention is made, to be lying backwards of the orchard's house, known by the name of "Uva Espina" (gooseberries,) is of five hundred varas in breadth to the westward of said property, and of length eight hundred and fifty varas from the south to the north. AVILA.

This agrees with the original to which I refer, and it is in the book of public instruments of this year, from which the same is taken, counted and compared faithfully and legally in these five sheets of common paper, for want of stamped, which I attest. Date ut supra.

(Signed) ENRIQUE ABILA.
Witness: (Signed) Ygo. Coronel.
Witness: (Signed) Leonardo Cota.

I, George Fisher, secretary of the United States land commission to ascertain and settle the private land claims in the State of California, do hereby certify, that the foregoing is a true and correct translation of a Spanish document, in case No. 343, wherein Henry Dalton claims the rancho of Santa Anita, now on file in this office.

In testimony whereof, I have hereunto signed my name, office of the secretary of said commission.

San Francisco, California, this 12th day of January, A. D. 1854.

GEO. FISHER, *Sect'y.*

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Angeles, Mayo siete de mil ochocientos cuarenta y cinco.

En sesion de esta dia se aprobó por la honorable asamblea departamental la proposicion del dictamen antecedente mandando se derecho en el espediente ex ex'mo Señor Gobernador, por los fines consequientes.

PIO PICO, *Presidente.*
AUGUSTIN OLVERA, *Secretario.*

Angeles, Mayo diez de mil ochocientos cuarenta y cinco.

En vista de la aprobacion otorgada en siete del presente mes por la ex'ma asamblea de este departamento, librese testimonio de ella y de este decreto a la parte le Don Prefecto Hugo Reid en confirmacion a la concesion del terreno de Santa Anita, que por legal titulo obtuvó, del superior gobierno, Pio Pico, vocal mas antique de la honorable asamblea y gobernador interino del departamento de Californias; asi lo mandó, decretó, y firmó, de que doy fée.

PIO PICO.
JUAN BANDINI, *Secr'o.*

Concuesda a la letra con su original que corres en el espediente respectivo del cual hize sacar el presente testimonio para res guardo del interesado, en los ciudad de los Angeles, capital del departamento, a diez de Mayo, de mil ochocientos cuarenta y cinco. Siendo testigos los ciudadanos Francisco, Lopez y Ygnacio del Valle.

En testimonio de verdad.

PIO PICO.
JUAN BANDINI, *S'rio.*

Filed in office November 6th, 1852.

GEO. FISHER, *Secretary.*

"*D.*"—*Translation of Grant.*

Pio Pico, Governor ad interim of the Department of the Californias.

Whereas, Don Prefecto Hugo Reid has asked for his personal benefit, and that of his family, three leagues of grazing lands, known by the name of Santa Anita, and designated in the diagram which accompanies his petition, the preliminary respective proceedings having been performed according to the direction of the laws and regulations on the subject, exercising the authority conferred upon me in the name of the Mexican nation, I have concluded to grant him the three leagues of grazing land before mentioned, declaring it to be his property by the present letters, it being understood, that said grant is in entire conformity with the laws, and reserved for the approval of the most excellent departmental assembly, and subject to the following conditions:

1st. He may enclose the land which is adjudicated to him, without prejudice to the cross-roads and easements; he may farm it freely and exclusively, devoting it to that culture and use that may be convenient.

2d. He shall request of the respective judge to give him judicial possession by virtue of this despatch, whereby the boundaries shall be designated, and he shall fix his landmarks.

3d. The land of which grant is made consists hereby of three leagues of grazing land; the judge who shall give the possession thereof, shall cause it to be measured in conformity with the ordinance, leaving the overplus that results to the nation for convenient purposes.

Wherefore, I order that the present serving him for a title, and being held firm and valid, account thereof be taken in the corresponding book, and be delivered to the party interested for his security and further purposes.

Given in the city of Los Angeles, capital of the department, the 31st of March, 1845.

PIO PICO.
JUAN BANDINI, *Secretary.*

Account of this superior despatch remains, taken in the respective book.

Angeles, date as above. BANDINI.

Filed in office September 14th, 1852.

GEO. FISHER, *Secretary.*

Posecion á favor de Don Hugo Reid, año de 1845.

H.H, No. 1.

Document H.H, No. 1, *annexed to the deposition of Abel Stearns.*

Pio Pico, Governador ad interim del Departamento de Californias:

Por cuanto Dn. Prefecto Hugo Reid ha pretendido para su benificio personal y el de sa familia tres sitios de ganado mayor, en el terreno conocido con el nombre de Santa Anita y demarcados, en el diseño que acompaño á su solicitud; practicadas previamente las diligencias consernientes, segun lo dispuesto por las leyes y reglamentos de la materia, usando de las facultades que me son conferidas á nombre de la nacion Mexicana, ha venido en concederle las tres sitios de ganado mayor mencionados declarandole la propiedad de ellos por las presentes letras estendiendose dicha concesion con entera conformidad de las leyes a reserva de la aprobacion de la ex'ma asamblea departmental, y bajo los condiciones siguientes:

1a. Podra cercarlo el terreno que se le adjudica sin perjudicar las travesias, caminos y servidumbres; lo disfrutara libre y esclusivamente dedicandole al cultivo y usos que le acomode.

2a. Solicitara del juez respectivo le de la posecion juridica en virtud de este despacho, por el cual se demarcaran sus linderos y pondrá sus mojoneras.

3a. El terreno de q'l se hace donacion es puramente de tres sitios de ganado mayor. El juez que la posecione lo hará medir conforme a ordenanza, dijando el sobrante que resulte á la nacion para los usos convenientes.

En consecuencia mando que serviendole de titulo el presente y teniendose por firme y valedero, se tome razon de el en el libro, que corresponde y se entreque al interesado para su resguardo y demas fines.

Dado en la ciudad de los Angeles, capital del departamente a 31 de Marzo, de 1845.

PIO PICO.
JUAN BANDINI, *S'rio.*

Queda tomada razon de este superior dispacho en el libro respectivo. Angeles, fecha ut suprà.

BANDINI.

En—

[Sello Primero, Ocho Pesos.

[3] Habilitado provisionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los anos de mil ochocientos cuarenta y cuatro, y mil ochocientos cuarenta y cinco.

MICHILTORENO,
PABLO DE LA GUERRA.]

[Ad'a Maritima de Monterey.]

B.

[5] —la ciudad á los Angeles, del departmento de California, a los veinte y dos dias del mes de Abril, de mil ochocientos cuarenta y cinco, anuente á la solicitude verbal que ha echo el Señor Don Hugo Reid, para que le de posecion juridica del terreno conocido con el nombre de
correg'o] Santa Anita, concedido por el E. s'or gobernador del departamento segun lo muestra el dispacho que presente a este juzgado; pasese por mi y testigos de asistencia al mencionado sitio, y procedan a dos la posecion, previa citacion de colindantes arraglandose para ello al titulo referido el cualtiene fecha de treinta y uno de Marzo de este año, asi yo Vicente Sanchez, alcalde 1o., y juez de 1o. instancia, decreté, mandé y firmé con los de asistencia, segun derecho. No hay papel sellado.

VICENTE SANCHEZ.

Ass'a: Ygnacio Coronel,
Ass'a: Agustin Olvera.

En la misma fecha, pasi oficio á los señores colindantes, para que occuriesen la sus linderos, y les manifesti el objeto á que me dirijia al puerto de Santa Anita, pues iba a poner en posecion al Señor Don Hugo Reid, del citado Santa Anita, de este que daron entendidos y se pone por diligencia que autorizé y firmé con los de asistencia, segun derecho.

VICENTE SANCHEZ.

Ass'a: Ygnacio Coronel,
Ass'a: Agustin Olvera.

En seguida estando en Santa Anita, nombre dos oficiales cordeleros, que los fueron los vecinos Manuel Antonio y prospero, á los que habiendoles hecho saber su nombramiento, aceptaron y ofrecieron desempeñar fiel y legalmente su en cargo, lo que pongo por diligencia, no firmando por no saber.

[Correg'o] VICENTE SANCHEZ.

Ass'a: Ygnacio Coronel,
Ass'a: Agustin Olvera.

En la misma fecha y estando en los linderos de Andres Duarte (el que no manifestó obstaculo alguno) hice medir un cordel constante de cienbaras, y hallandose ante mi los testigos de asistencia y los oficiales cordeleros; mandé otar al puertado cordel unos sancos de madera, y previa observacion y calculo por mi disposicion setivo el premer cordel, desde la sierra en la parte que podia medirse rumbo sur oeste, y se contaron y medieron siete mil y quientos varas que remataron en el llano donde se mando poner una majonera. Desde este punto y cambiando de direcion por el rumbo de San Gabriel quien no hizo oposicion ninguna y se contaron y midieron diez mil quinientos varas que remataron hacia el norte, en un punto que forma linea con la huerta del citado Don Hugo Reid, de aqui setivo el tercer cordel con direcion a la sierra; pero al comenzarse el primer cordel se, suscribaron algunos deferencias entre el Señor Don Manuel Garfias, dueño del rancho de San Pascual y Don Hugo Reid; mas luego convenieron y celebraron un contrato juridico por el que arreglaron sus negocios, y correg'o] continuando en medir se midieron y contaron siete mil quinientas varas que remataron en la misma sierra; de aqui cambiando la direcion y debiendo tirar la cuarta medida por lo interior de la sierra y las Cañadas que corresponden a Santa Anita; mas no pudiendose hacer por los quebrados y escabrocidades del terreno, setivo la medida por la parte esterior, y se medieron y contaron diez mil quinientos varas que remataron donde se comenzo, entendiendose que guardo el direcho á las Cañadas que estan dentro de los limites de S'ta Anita el citado Don Hugo Reid, por haberse completado conesas la area que de betener el terreno, concluyendose el acto a satisfaccion de las partes, lo que pongo por diligencia que autorize y firmé con los de asistencia, segun derecho. VICENTE SANCHEZ.

Ass'a: Ygnacio Coronel,
Ass'a: Augustin Olvera.

Estando concluidas estas diligencias, desele testimonio a la parte para su resguardo. Asi yo Vicente Sanchez, alcalde 1o. y juez de 1o. [8] instancia, decreté y firme, con los de asistencia, segun derecho.

VICENTE SANCHEZ.

Ass'a: Ygnacio Coronel,
Ass'a: Augustin Olvera.

RAZON.

En la fecha se dio el testimonio respectibo.

(Rubrica.)

Entre renglones—Sierra—Ve.

Concuesda con su original á que remito, y de halla en el libro de instrumentales publicos de este año del que se sacó, corrégio y confronto en estas cuatro fojas de este papel por no haber otro; y ludo el titulo del rancho á la cubeza de esta copia, fecha ut supra.

VICENTE SANCHEZ.

Ass'a: Yg'o Coronel,
Ass'a: Luis Jordan.

Filed in office, Nov. 6th, 1852. GEO. FISHER, *Sec'y.*

F.—Translation of Juridical Possession.

The city of Los Angeles, of the department of California, April 22d, 1845, complying with the verbal request which Don Hugo Reid has made, that judicial possession of the land known by the name of Santa Anita may be given him, which was granted by his excellency the governor of the department, as the diagram shows which he presented to this court, ordered that I and my assistant witnesses pass to the aforesaid tract and proceed to give the desired possession, notice being previously given to the adjoining proprietors, and being governed in it by the title referred to, which bears date the 31st March, (1845,) of the same year. Thus I, Vicente Sanchez, 1st judge of the 1st instance, decreed, ordered and signed, with my assistants, according to law. There is no sealed paper.

VICENTE SANCHEZ.

Ass't: Ignacio Coronel,
Ass't: Augustin Olvera.

At the same date I sent official notice to the adjoining land proprietors that they should agree as to their boundaries, and showed to them the object that directed me to the point of Santa Anita, to wit, that I went to place in possession Dn. Hugo Reid of the aforesaid Santa Anita, of which they "*they*" left well understood, and the fact is set down for part of the proceedings, which I am authorized, and signed with my assistants, according to law.

VICENTE SANCHEZ.

Ass't: Ignacio Coronel,
Ass't: Agustin Olvera.

In continuation, being at Santa Anita, I appointed two official cord-bearers, who were the neighbors Manuel Antonio and Prospero, to whom their appointment was made known, which they accepted and engaged to discharge their trust faithfully and legally, which fact I set down as part of the proceedings; they not knowing how to write, do not sign.

VICENTE SANCHEZ.

Ass't: Ignacio Coronel,
Ass't: Agustin Olvera.

At the same date, and being at the boundary lines of Andres Duarte, who presented no obstacle, I caused a cord to be measured which contained 100 varas; and present were the assistant witnesses and the official cord-bearers; I ordered stakes to be attached to its ends, and having previously having made observation and calculation for my direction, the first cord was extended from the sierra to a point which can be surveyed, course southwest, and there were counted and measured 7,500 varas which terminated in the plain, where I ordered to place a landmark; from this point, and changing the direction from a western course, the second cord was extended in the presence of a person sent from San Gabriel, who made no objection, and there was counted and measured 10,500 varas, which terminated, bearing north at a point which forms a line with the garden of the aforesaid Don Hugo Reid; from here the third cord was extended in a direction towards the (sierra) mountain, but when the first cord of this measurement was stretched some differences occurred between Dn. Manuel Garfies, owner of the rancho of San Pascual, and Dn. Hugo Reid; soon, however, they came to an understanding and executed a judicial contract, wherein the business was arranged; and continuing the survey there were measured and counted 7,500 varas, which terminated at the same mountain; from here, changing the direction, we ought to have run the fourth measurement for the interior of the mountain and the ravines which belong to Santa Anita, but not being able to do it, from the broken nature and inequalities of the land, the measurement was taken along the exterior part, and there were measured and counted 10,500, which terminated at the place of beginning. It being understood that the right to the ravines which are within the limits of Santa Anita is reserved to Dn. Hugo Reid, to complete with these the area which the land ought to have. The act having been concluded to the satisfaction of parties, I set it down as part of the proceedings, all of which I authorized and signed with my assistants, according to law.

VICENTE SANCHEZ.

Ass't: Ignacio Coronel,
Ass't: Augustin Olvera.

These proceedings having been concluded, give testimony to the party interested for his security. Thus I, Vicente Sanchez, 1st judge and justice of the 1st instance, decreed and signed with my assistants, according to law.

VICENTE SANCHEZ.

Ass't: Ygnacio Coronel,
Ass't: Augustin Olvera.

Notice at this date the respective testimony was given.

(Rubric.)

(Entre renglones—within times.)—Suma, &c.

It agrees with its original, to which I refer, and is placed in the book of public instruments of this year, which was taken off (copied,) corrected and compared, on these four leaves of this paper for want of other, the title of the *the* rancho being placed on head of this copy. Date as above.

VICENTE SANCHEZ.

Ass'a: Yg'o Coronel,
Ass'a: Louis Jordan.

Filed in office, Sept. 14th, 1852.

GEO. FISHER, *Secretary.*

[Rec. cxiii, D. T., 1856.]—4

Order of Survey.

OFFICE OF THE BOARD OF U. S. LAND COMMISSIONERS
Of California Land Claims.

LOS ANGELES, *Sept. 23d*, 1852.

In the case of Henry Dalton, No. 343, Rancho of Santa Anita, on motion of the counsel for the claimant the following order was made, to wit:

For the purpose of determining with precision and certainty the limits and boundaries of the land claimed by Henry Dalton in his petition, No. 343, pending before the commissioners, it is, on motion of the counsel for the claimant, ordered, That an initiatory survey, under the superintendence of the U. S. surveyor general of California, be made of the land known by the name of Santa Anita, situate in the county of Los Angeles, and bounded as follows:

Beginning at a point of the Coast Mountains, called the Mountain of San Gabriel, where the face of the ground will admit of measurement, running southwesterly along the boundary line of the lands of Andres Duarte, 7,500 varas, to a landmark in the high plain; thence westerly, bearing a little north, 10,500 varas, to the northwestern corner of the huesta of Hugo Reid; thence to the same mountain northerly, according as the nature of the ground will admit, 7,500 varas, and from this point along the mountain, so as to include the cañadas and timber therein, to the place of beginning, containing three square leagues of grazing land, a little more or less, within said boundaries.

But this order is not, in any manner, to determine against the United States either the question of title, the construction of the grants, the location, boundaries or extent of the land to which the claimant may be entitled.

Filed in office, September 23, 1852.

GEO. FISHER, *Secretary.*

Opinion.

HENRY DALTON
vs.
THE UNITED STATES.

For the place called Santa Anita, in Los Angeles county, containing three square leagues of land.

The grant of the land claimed in this case, made to Prefecto Hugo Reid, the original of which is given in evidence, is dated March 31, 1845, and signed by Governor Pico. The land granted is described as three leagues of grazing land, in the lands known by the name of Santa Anita, as designated in the diagram which accompanied his petition; the measurement and boundaries of which were to be made and fixed by the judge authorized to give judicial possession. This measurement, it appears from the documentary proofs in the case, was given to said Reid, by the proper officer, on the 22d of April, 1845. The description of the boundaries and monuments in the record of the measurement is not so definite as could be desired; and extraneous evidence ought to have been given in aid of it, in order to present a more clear and definite view of the land segregated from the grantee. It is, however, clear that the survey was made within the boundaries specified in the grant; and we think, on a careful examination of the whole case, we can so describe the land in a decree as to identify it, and enable the surveyor to retrace the exterior boundaries. The present claimant derives his title to the land by a conveyance from said Reid, duly executed before an alcalde, the testimonial of which, in due form, is given in evidence, bearing date May 29th, 1847. This deed excepted from the conveyance to Dalton a small lot or portion of the original grant, on which the grantee had erected a house.

The deposition of Abel Stearns shows that Reid was in possession of the premises before the grant was made by Governor Pico, and had a house thereon, which was inhabited, and cultivated a portion of the premises, keeping his cattle thereon; and that he continued so to occupy and cultivate, living a portion of the time himself on the place, until he sold it to Dalton.

He had clearly perfected in himself a right to the premises under his grant, which he was at liberty to transfer to his grantee, and the latter is entitled to a confirmation of the land originally granted to Reid, with the exception of the small portion which was reserved to the latter in his deed to Dalton.

Decree accordingly.

Filed in office, Jan'y 17th, 1854.

GEO. FISHER, *Sec'y.*

Decree.

HENRY DALTON
vs.
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the commissioners that the said claim of the petitioner is valid, and it is therefore hereby decreed that the same be confirmed. The land of which confirmation is hereby made is the same known by the name of Santa Anita, now occupied by said claimant, and is described and bounded as follows:

Beginning on the boundary line of Andres Duarte, at a point at the Sierra, which can be surveyed, and running southwest seven thousand five hundred varas to a point on the plain; thence in a western course ten thousand five hundred varas, terminating towards the north, at a point which forms a line with the garden of Hugo Reid; thence in a direction towards the mountains, and to the same parallel to the first mentioned line, seven thousand five hundred varas; thence eastwardly ten thousand five hundred varas to the place of beginning, containing three square leagues of land; excepting and reserving therefrom a piece of the land lying back of the orchard and vineyard of Hugo Reid, (the original grantee of the land,) which embraces a house built about the year 1847, and ends a little beyond the trench of water with which the vineyard is irrigated, so that the same trench is also embraced therein. Reference for the description of said entire premises to be had to the record of judicial possession thereof, on file in this case; and for the portion of said entire premises hereby reserved from the confirmation, to the conveyance made by said Hugo Reid to said Henry Dalton, on the 29th of May, 1847, a duly authenticated copy of which is also on file in the case.

ALPHEUS FELCH,
THOMPSON CAMPBELL,
R. AUG'T THOMPSON,
Commissioners.

Filed in office, Jan'y 17th, 1854.

GEO. FISHER, *Sec'y.*

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

I, George Fisher, secretary to the Board of Commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing fifty-three pages, numbered from 1 to 53, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said board, of the documentary evidence upon which the same is founded, on file in this office, in case No. 343, on the docket of the said board, wherein Henry Dalton is the claimant against the United States, for the place known by the name of "Santa Anita."

In testimony whereof, I hereunto set my hand and affix my private seal (not having a seal of office) at San Francisco, California, this twelfth day of September, A. D. 1854, and of the independence of the United States of America the seventy-ninth.

GEO. FISHER, *Sec.*

UNITED STATES DISTRICT COURT,
Southern district of California.

CLERK'S OFFICE, LOS ANGELES.

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, do hereby certify, that the foregoing fifty-three pages, numbered from 1 to 53, both inclusive contain a full, true, and correct copy of transcript No. 343, filed in this office, wherein Henry Dalton is appellee, and the United States appellants, for "Santa Anita."

[L. S.] In testimony whereof, I have hereunto set my hand and affixed the seal of said court at Los Angeles, California, this nineteenth day of January, A. D. 1856, and of the indepencence of the United States of America the eightieth.

C. E. CARR, *Clk.*

DISTRICT COURT UNITED STATES,
Southern district of California.

CLERK'S OFFICE, LOS ANGELES COUNTY.

HENRY DALTON, appellee,
ads.
THE UNITED STATES, appellant.
} Docket No. 86—Transcript No. 343.

Be it remembered, that on the 20th day of September, A. D. 1854, in the district court of the United States for the southern district of California, the following proceedings were had, to wit: a duly certified transcript of the proceedings and decision of the commission to ascertain and settle the private land claims in the State of California, when sitting as a board, in the case wherein Henry Dalton is the claimant against the United States for the place named "Santa Anita," was received and filed, and docketed with No. 86, and is as follows, to wit:

(Vide page 1.)

LOS ANGELES, *January* 10*th*, 1855.

In case No. 86, Henry Dalton for "Santa Anita," the notice of appeal from United States Attorney General was received and filed.

(Vide page 3.)

LOS ANGELES, *Aug.* 13*th*, 1855.

In same case, the petition of U. States for review was filed.

(Vide page 5.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

LOS ANGELES, *Sept.* 24*th*, 1855.

In same case the answer of appellee was filed.

(Vide page 4.)

LOS ANGELES.

In same case the naturalization papers of Perfecto Hugo Reid, with a translation thereto, were filed.

(Vide pages 14 and 15.)

LOS ANGELES, *Oct.* 15*th*, 1855.

In same case, on motion of attorney for appellee, the following order for taking additional evidence was filed.

(Vide page 16.)

LOS ANGELES, *Oct.* 18*th*, 1855.

In same case, the deposition of Abel Stearns, a witness on the part of the appellee, was filed.

(Vide page 16.)

Los Angeles, *Oct.* 19*th*, 1855.

In same case, the translation of testimonial of approval of the departmental assembly was filed.

(Vide page 18.)

Los Angeles, *Oct.* 24*th*, 1855.

In same case, the opinion of the court was delivered confirming the claim, and the following decree entered.

(Vide page 20.)

Los Angeles, *Oct.* 24*th*, 1855.

In same case, the following order for appeal, on motion of P. Ord, U. S. District Attorney, was filed.

(Vide page 21.)

Notice for Appeal.

Office of the Attorney General of the U. States,
Washington, 30*th November*, 1854.

Henry Dalton
vs.
The United States. } 343.

You will please take notice, that in the above case, decided by the commissioners to ascertain and settle the private land claims in the State of California, in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of August, 1854, the appeal in the district court of the United States for the southern district of California will be prosecuted by the United States.

C. CUSHING,
Attorney General.

Filed January 10th, 1855.

C. E. CARR, *Cl'k.*

Answer.

In the United States District Court in and for the Southern District of California.

The United States, Appellant,
vs.
Henry Dalton, Appellee. } Case No. 86—Transcript No. 343. Claim for "Santa Anita."

And now comes the above named appellee, Henry Dalton, by J. R. Scott, his attorney, and, for answer to the petition filed in this case by the appellants, avers that his title to the lands of "Santa Anita," mentioned in said petition, is good and valid; and he denies each and every allegation to the contrary in said petition contained.

Therefore, he prays the judgment of this honorable court that the decision of the board of land commissioners in this case may be affirmed, and that his title to the lands in the case may be decreed to be valid, and for costs and general relief.

J. R. SCOTT,
Atty. for Claimant.

It is hereby admitted that the land claimed in the above entitled cause is within the jurisdiction of this court, and that the transcript was received by attorney general, and notice of appeal filed, as alleged in petition for review.

J. R. SCOTT,
Atty. for Appellee.

Filed Sept. 24, 1855.

C. E. CARR, *Cl'k,*
By JOHN W. ROSS, *Dep'ty.*

Petition for Review.

In the District Court of the United States for the southern district of California.—Los Angeles county, State of California.

HENRY DALTON
ads.
THE UNITED STATES.
} No. 86.—Transcript No. 343.

To the honorable Isaac S. K. Ogier, judge of the district court of the United States for the southern district of California.

The petition of Pacificus Ord, (of Los Angeles county,) attorney of the United States for the southern district of California, who petitions in his behalf for the United States, and being here in court in his proper person, in the name and behalf of the United States, represents as follows:

That heretofore, to wit, on or about the 13th of September, A. D. 1852, Henry Dalton presented a petition to the commissioners to ascertain and settle the private land claims in the State of California, claiming the tract of land called Santa Anita, in the county of Los Angeles, in the words and figures following, to wit:

"Your petitioner, Henry Dalton, resident of the county of Los Angeles, and State of California, respectfully represents:

"That he claims, as owner in fee simple, a tract of land in said county situate, known by the name of the rancho of "Santa Anita." Said tract of land was originally granted, provisionally, to Prefecto Hugo Reid by Juan B. Alvarado, constitutional governor of the department of the Californias, by act of concession bearing date the 16th of April, A. D. 1841, at Monterey; which provisional concession was renewed by Manuel Micheltoreno, governor of California, on the 5th day of July, A. D. 1843, accompanied by an order of the said Micheltoreno, governor as aforesaid, to the grantee, the said Reid, to appear before him in future and obtain a title in fee simple to said lands. That the administration of said Micheltoreno being soon after succeeded by that of Pio Pico, governor ad interim of the department of Californias, and as such vested by the Mexican Government with sufficient and extraordinary powers in the premises, upon application by the said Reid to him, the said Pio Pico, governor as aforesaid, he executed a title in fee simple to the said Prefecto Hugo Reid of the said lands by grant or deed of conveyance bearing date the 31st day of March, A. D. 1845. The said Reid was put in judicial possession of the said lands on the 22d day of April, A. D. 1845, by the municipal authorities of the prefectorate of Los Angeles, which he held uninterruptedly and peacefully from the date of said act, (and for more than three years before he had quiet and peaceable possession thereof,) until the time of the transfer of said land to your petitioner. That the aforesaid grant in fee simple of said lands to said Reid was confirmed by the departmental assembly of California in their session, in the city of Los Angeles, of the 7th day of May, A. D. 1845. That said tract of land was granted and conveyed by the aforesaid Prefecto Hugo Reid to your petitioner, by deed of conveyance bearing date the 29th of May, A. D. 1847; said tract of land contains three square leagues of grazing land, a little more or less, according to the diagram which accompanied said grant, and is embodied in the espediente herewith filed. The boundaries of said land are well known and defined, and are described in the act of judicial possession as follows, (following the translation, faithfully rendering the Spanish text into English,) to wit: The first cord was extended from the sierra at a point which can be surveyed, course southwest, and there were counted and measured 7,500 varas, which terminated in the plain, where I ordered a landmark to be placed. (This is the dividing line between said lands and the ranch of Andres Duarte.) From this point, and changing the direction for a west course, the second cord was extended, and there were counted and measured 10,500 varas, which terminated bearing north, at a point which forms a line with the garden of the aforesaid Don Hugo. From here the third cord was extended in a direction towards the sierra, (mountain,) and there were measured and counted 7,500 varas, which terminated at the same mountain. From here, changing the direction, we ought to have run the fourth measurement for the interior of the mountain and the ravines (cañadas) which belong to Santa Anita, but not being able to do it from the broken nature and irregularities of the land, the measurement was taken along the exterior part, and there were measured and counted 10,500 varas, which terminated at the place of beginning, it being understood that the right to the ravines which are within the limits of Santa Anita is reserved to Don Hugo Reid, to complete with them the area which the land ought to have. All of said tract lies in the county of Los Angeles, joining at its southern line with the lands of the mission of San Gabriel. That said land has been in the actual possession of your petitioner from the date of said conveyance to him to the present time. That the conditions of the grant of said land to said Reid have all been faithfully fulfilled; said land has never been surveyed by the surveyor general. Your petitioner knows of no existing adverse claim to said tract of land. As evidence in support of his claim your petitioner relies upon the original espediente, diagram and provisional grants of said Governors Alvarado and Micheltoreno, fac-simile copies of which, taken and certified by the surveyor general, are herewith filed. The grant of Pio Pico, a copy of which is filed; the act of judicial possession and the act of confirmation by the dep'a assembly, true copies of which are also filed. The deed of conveyance from said Reid to your petitioner, a true copy of which is herewith filed. All of the above papers (heretofore also mentioned) in this petition being in the Spanish language are accompanied with true translations into the English, (except the last paper,) which are also submitted for convenience. And he will rely upon such proof as may be necessary to show a full compliance with all the requisites of the law to perfect title to said lands; and he will pray that the same be confirmed to the extent of the boundaries above set forth, and that a patent may issue therefor to your petitioner. And as in duty bound, &c."

Your petitioner further represents, that thereafter, to wit, on the 17th day of January, A. D. 1854, the said commissioners confirmed by final decree the said claim of the said Henry Dalton, in the words and figures following, to wit:

"In this case, on hearing the proofs and allegations, it is adjudged by the commission that the said claim of the petitioner is valid, and it therefore decreed that the same be confirmed. The land of which confirmation is hereby made, is the same known by the name of Santa Anita, now occupied by said claimant, and is described and bounded as follows: Beginning in the boundary line of Andreas Duarte, at a point of the Sierra, which can be surveyed, and running southwest seven thousand five hundred varas to a point in the plain; thence in a western course ten thousand five hundred varas, terminating towards the north at a point which forms a line with the garden of Hugo Reid; thence in a direction towards the mountains and to the same parallel to the first mentioned line, seven thousand and five hundred varas; thence eastwardly two thousand five hundred varas to the place of beginning, containing three square leagues of land, excepting and reserving therefrom a piece of the land lying back of the orchard and vineyard of Hugo Reid, (the original grantee of the land,) which embraces a house, built about the year 1847, and ends a little beyond the trench of water with which the vineyard is irrigated, so that the same trench is also embraced therein. Reference for the description of said entire premises to be had in the record of juridical possession thereof on file in this case, and for the portion of said entire premises hereby reserved from the confirmation to the conveyance made by said Hugo Reid to said Henry Dalton, on the 29th day of May, 1847; a duly authenticated copy of which is also on file in the case.

"ALPHEUS FELCH,
"THOMPSON CAMPBELL,
"R. AUG. THOMPSON,
"*Commissioners.*"

That thereafter, to wit, on the 20th day of September, A. D. 1854, a duly certified transcript of the said decree, and the proceedings and the papers and evidence on which it was founded in said cause, was filed in the office of the clerk of the district court of the United States for the southern district of California, and marked No. 86, (transcript No. 343;) reference to which it is prayed may be had and made a part of this petition.

That, on the 30th day of August, A. D. 1854, the honorable Caleb Cushing, Attorney General of the United States, received a duly certified duplicate of said transcript of said final decree and proceedings of said commissioners in said cause, (No. 343,) and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 10th day of January, A. D. 1855, the said Attorney General of the United States filed, or caused to be filed, on behalf of the United States, a notice with the said clerk of said district court, for the southern district of California, that the appeal in said cause of Henry Dalton vs. The United States, for the southern district of California, would be prosecuted by the United States.

Your petitioner further represents, that the said land claimed as aforesaid is within the jurisdiction of this honorable court.

And your petitioner further represents and insists, that the said decree of said commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of said cause, now on appeal from said commissioners to this honorable court.

And your petitioner further represents, that the said claim is invalid, and the said decree erroneous on the following grounds:

I. And the said attorney denies all and singular, each and every allegation in the said petition of the said claimant to said commissioners of said date; and he further denies that any grant for said land was ever made, as alleged in said petition; and he denies, further, that the said claimant has shown any or sufficient evidence of the validity of the said claim.

II. That the said alleged grants of Juan B. Alvarado and Manuel Micheltoreno and Pio Pico, were made in violation of the 4th article of the Colonization law of Mexico, of the 18th day of August, A. D. 1824, in this: that the land granted, as alleged by claimant, was and is within ten leagues of the sea-coast, and there is no evidence shown by claimant that the superior general executive power of Mexico previously approved of the colonization of the public lands in Upper California, lying within ten leagues of the sea-coast, and it is denied that such previous consent of said supreme general executive power of Mexico, in such case, was ever had.

III. That, at the date of the said alleged grant, the said land, claimed as aforesaid, was occupied by, and in the possession of, the missions of the Territory of Upper California, and it was held and occupied particularly by the mission of San Gabriel, and could not, therefore, be colonized.

IV. That the said alleged grants have not the conditions required by, and are not made in entire conformity with, the laws of Mexico of the 18th day of August, A. D. 1824, and the regulations for the colonization of the territories of Mexico, of the 21st of November, A. D. 1828.

V. That the said alleged provisional grants of Juan B. Alvarado and Manuel Micheltoreno, and the grant in fee-simple by Pio Pico, dated March 31, 1845, contains no sufficient description of the locality, extent and boundaries of the land claimed, by which it can be identified and surveyed, and the said grant or grants are void for uncertainty; that the map or diagram, referred to therein, is also vague and indefinite.

VI. That the said claimant fails to show a good and sufficient title for said land under a definitively valid grant to Prefecto Hugo Reid, the alleged original grantee.

VII. That the said alleged juridical possession of the said tract of land given on the 22nd of April, A. D. 1845, to the said Prefecto Hugo Reid was unlawful, for the reason that the said alleged grant of said date had not then been approved by the departmental assembly of California, or the Supreme Government of Mexico.

VIII. That the said alleged juridical possession of said date was not made according to the said alleged grant and the map referred to therein, nor according to the ordinance or law; and it is vague, indefinite, and void.

IX. That the said tract of land alleged to have been granted as aforesaid, contains more than one league square of five thousand varas of irrigable land; that it is all or nearly all irrigable land; and that the said Governor Pio Pico had no lawful authority to grant, and the said Prefecto Hugo Reid had no lawful capacity to acquire from said Governors more than one league square of irrigable land.

X. That there is no sufficient evidence that the said Prefecto Hugo Reid was a naturalized citizen of Mexico at the date of the said alleged grant, and the said Reid was, at the date of the said alleged grant, or grants, an alien; and had not then the lawful capacity to acquire, hold and convey the said tract of land.

XI. That there is no sufficient evidence that the said Prefecto Hugo Reid performed faithfully all the conditions of the said alleged grant, and it is denied that he faithfully performed all the conditions of the said alleged grant.

XII. That there is no evidence that the said Prefecto Hugo Reid built a house upon the said tract of land, within one year from the date of the said alleged grants of said Alvarado, Micheltorena and Pio Pico, and that it was inhabited; and that he cultivated the said tract of land; and it is denied that he built a house on said tract of land within one year from the date of the said alleged grant or grants, and that it was inhabited; and that he cultivated the said tract of land.

XIII. That the alleged deed of conveyance of said land from said Reid to said claimant, dated the 29th of May, 1847, contains no description of the land, by which it can be identified and surveyed, and it does not appear by said deed that it is the same tract of land, with the same alleged locality, extent, and boundaries, pretended to have been granted to said Reid provisionally, by said Juan B. Alvarado, and Manuel Micheltoreno, and in fee simple by Pio Pico, on the 31st of March, 1845.

XIV. That the said alleged grant of said Pio Pico, of said date, is not executed upon the lawful stamped paper, and it is therefore void.

XV. That the said alleged approbation of the departmental assembly of said alleged grant, dated 10th of May, 1845, is not executed upon the lawful stamped paper, and it is therefore void.

And no sufficient proof having been made by said claimant of the allegations of his said petition, or in support of his said claim filed as aforesaid, no decree ought to have been made, or granted thereon; but the said petitioner ought to have been dismissed, and said claim rejected by said commissioners, upon the grounds aforesaid.

And the said claimant having no valid right or title derived from the Spanish or Mexican government to the said land claimed by him as aforesaid, the lawful right or title in and to the said land was acquired by, and it now belongs to, the United States, by virtue of the treaty of peace, friendship, limits, and settlement, with the Republic of Mexico, dated at the city of Guadaloupe Hidalgo, February 2nd, 1848.

Wherefore, the said Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the act of Congress entitled "An act to ascertain and settle the private land claims in the State of California." approved March 3rd, A. D. 1851, and the laws and statutes in such cases made and provided, prays that the said Henry Dalton may be served with a copy of this petition; and that this honorable court will review the said decision, or final decree of confirmation of said commissioners, to ascertain and settle the private land claims in the State of California, and decide on the validity of the said claim of the said Henry Dalton, for said land claimed and confirmed as aforesaid; and that the same may be decreed invalid, and all such other orders, judgments, or decrees, as may be just, with costs and general relief.

P. ORD,
Attorney of the United States for the south. dist. of California.

Filed Aug't 13th, 1855.

CH. E. CARR, *Clk.*

[SEAL.] Manuel Jimeno Casarin, primero vocal propietario de la Ex'ma Junta del Departamento de las Californias, en ejercicio del Gobierno del mismo.

Habiendo Prefecto Hugo Reid, procedente de Ynglaterra, cumplido con las condiciones y requicitos que previene la ley de 14 de Abril, de 1828, del Congreso Nacional, que arreglo el modo con que deve concederse la carta de naturaleza, á los estrangeros, declaro al referido Prefecto Hugo Reid, por las presentes, naturalizado en la republica Mejicana, en virtud de la autoridad que por la misma ley se me confiere.

Monterey, Agusto 1o, de 1839.

MAN'L JIMENO,
FRANCISCO ARCE.

Reg'do fa. 9.—Filed.

In the United States District Court for the southern district of California.

Henry Dalton, appellee,
ads.
The United States, appellant.
} Case No. 86—"Santa Anita."
Transcript No. 343.

Translation of Naturalization Papers of Prefecto Hugo Reid.

[SEAL.] Manuel Jimeno Casarin, senior proprietary member of the Most Excellent Junta of the Department of the Californias, in exercise of the government of the same.

Prefecto Hugo Reid, immigrant from England, having complied with the conditions and requisites, which the law of the 14th of April, 1828, by the National Congress, provides, which law regulates the manner in which letters of naturalization shall be granted to foreigners:

I declare the said Prefecto Hugo Reid, by these presents, naturalized in the Republic of Mexico, by virtue of the authority which is conferred upon me by the same law.

Monterey, August 1st, 1839.

MANUEL JIMENO.
FRANCISCO ARCE,
1st *Official.*

Recorded page 9.—Filed.

Order for taking additional Evidence.

In the United States District Court for the southern district of California.

Henry Dalton, appellee,
ads.
The United States, appellant.
} Case No. 86—"Santa Anita."
Transcript 343.

On motion of J. R. Scott, attorney for appellee, it is by the court ordered, that either party may take additional evidence in the above cause.

Filed October 15th, 1855.

C. E. CARR, *Clerk.*

XIII. That the alleged deed of conveyance of said land from said Reid to said claimant, dated the 29th of May, 1847, contains no description of the land, by which it can be identified and surveyed, and it does not appear by said deed that it is the same tract of land, with the same alleged locality, extent, and boundaries, pretended to have been granted to said Reid provisionally, by said Juan B. Alvarado, and Manuel Micheltoreno, and in fee simple by Pio Pico, on the 31st of March, 1845.

XIV. That the said alleged grant of said Pio Pico, of said date, is not executed upon the lawful stamped paper, and it is therefore void.

XV. That the said alleged approbation of the departmental assembly of said alleged grant, dated 10th of May, 1845, is not executed upon the lawful stamped paper, and it is therefore void.

And no sufficient proof having been made by said claimant of the allegations of his said petition, or in support of his said claim filed as aforesaid, no decree ought to have been made, or granted thereon; but the said petitioner ought to have been dismissed, and said claim rejected by said commissioners, upon the grounds aforesaid.

And the said claimant having no valid right or title derived from the Spanish or Mexican government to the said land claimed by him as aforesaid, the lawful right or title in and to the said land was acquired by, and it now belongs to, the United States, by virtue of the treaty of peace, friendship, limits, and settlement, with the Republic of Mexico, dated at the city of Guadaloupe Hidalgo, February 2nd, 1848.

Wherefore, the said Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the act of Congress entitled "An act to ascertain and settle the private land claims in the State of California." approved March 3rd, A. D. 1851, and the laws and statutes in such cases made and provided, prays that the said Henry Dalton may be served with a copy of this petition; and that this honorable court will review the said decision, or final decree of confirmation of said commissioners, to ascertain and settle the private land claims in the State of California, and decide on the validity of the said claim of the said Henry Dalton, for said land claimed and confirmed as aforesaid; and that the same may be decreed invalid, and all such other orders, judgments, or decrees, as may be just, with costs and general relief.

P. ORD,

Attorney of the United States for the south. dist. of California.

Filed Aug't 13th, 1855.

CH. E. CARR, *Clk.*

[SEAL.] Manuel Jimeno Casarin, primero vocal propietario de la Ex'ma Junta del Departamento de las Californias, en ejercicio del Gobierno del mismo.

Habiendo Prefecto Hugo Reid, procedente de Ynglaterra, cumplido con las condiciones y requicitos que previene la ley de 14 de Abril, de 1828, del Congreso Nacional, que arreglo el modo con que deve concederse la carta de naturaleza, á los estrangeros, declaro al referido Prefecto Hugo Reid, por las presentes, naturalizado en la republica Mejicana, en virtud de la autoridad que por la misma ley se me confiere.

Monterey, Agusto 1o, de 1839.

MAN'L JIMENO,
FRANCISCO ARCE.

Reg'do fa. 9.—Filed.

In the United States District Court for the southern district of California.

Henry Dalton, appellee,
ads.
The United States, appellant.
} Case No. 86—"Santa Anita."
Transcript No. 343.

Translation of Naturalization Papers of Prefecto Hugo Reid.

[SEAL.] Manuel Jimeno Casarin, senior proprietary member of the Most Excellent Junta of the Department of the Californias, in exercise of the government of the same.

Prefecto Hugo Reid, immigrant from England, having complied with the conditions and requisites, which the law of the 14th of April, 1828, by the National Congress, provides, which law regulates the manner in which letters of naturalization shall be granted to foreigners:

I declare the said Prefecto Hugo Reid, by these presents, naturalized in the Republic of Mexico, by virtue of the authority which is conferred upon me by the same law.

Monterey, August 1st, 1839.

MANUEL JIMENO.
FRANCISCO ARCE,
1st Official.

Recorded page 9.—Filed.

Order for taking additional Evidence.

In the United States District Court for the southern district of California.

Henry Dalton, appellee,
ads.
The United States, appellant.
} Case No. 86—"Santa Anita."
Transcript 343.

On motion of J. R. Scott, attorney for appellee, it is by the court ordered, that either party may take additional evidence in the above cause.

Filed October 15th, 1855.

C. E. CARR, *Clerk.*

Deposition of Abel Stearns.

The United States, appellant,
vs.
Henry Dalton, appellee. } "Santa Anita."

Deposition of Abel Stearns, a witness on the part of appellee, taken before me, Charles E. Carr, U. S. commissioner for the southern district of California, at Los Angeles, this 18th day of October, 1855, to be read in evidence on the trial of this cause.

Present: P. Ord, U. S. attorney; J. R. Scott, attorney for appellee.

Abel Stearns, being duly sworn to questions of counsel, answers as follows:

Ques'n. What is your name, age, and place of residence?

Ans'r. My name is Abel Stearns; my age is fifty-seven years; my residence Los Angeles.

Ques'n. Were you acquainted with Manuel Jimeno; and have you seen him write; and do you know his signature?

Ans'r. I was acquainted with him; have seen him write; and know his signature.

Ques'n. Examine the paper now shown you marked "C. E. C," hereto annexed; and state whether the signature of Manuel Jimeno where it appears on said paper is his genuine signature?

Ans'r. I have looked at the paper, and pronounce his signature to be genuine.

Ques'n. At the date of that paper, what office did Jimeno hold?

Ans'r. He held the office of secretary of state, and, I think, at the time ex-officio governor.

ABEL STEARNS.

Filed October 18, 1855. C. E. CARR, *Clerk.*

Translation of Testimonial of Approval of the Departmental Assembly.

In the United States District Court for the southern district of California.

Henry Dalton, appellee,
ads.
The United States, appellant. } Case No. 86—Santa Anita.
Transcript No. 343.

Translation of Testimonial of Approval of Departmental Assembly.

See Transcript, page 36, "H.H, No. 2."

The concession is approved, made to the naturalized citizen Prefecto Hugo Reid, of the tract named Santa Anita, granted provisionally since the 16th of April, in the year 1841, and in fee on the 31st May of the present year, in entire conformity with what is provided in the law of eighteenth of August, 1824, and the fifth article of the regulations of twenty-first of November, one thousand eight hundred and twenty-eight.

Angeles, *Seventh of May,* 1845.

In session of to-day the proposition of the foregoing report was approved by the honorable departmental assembly, ordering that the espediente be returned to the most excellent Señor Governor for the ends consequent.

PIO PICO, *President.*
AUGUSTIN OLVERA,
Secretary.

Angeles, *May* 10*th*, 1845.

In view of the approval passed on the 7th of the present month, by the most excellent assembly of this department, let a testimonial thereof and of this decree be issued to the party, Don Prefecto Hugo Reid, in confirmation of the grant of the tract of Santa Anita, which he obtained from the superior government. Pio Pico, senior member of the honorable assembly, and governor ad interim of the Department of Californias; so ordered, decreed, and signed, which I attest.

PIO PICO.
JUAN BANDINI,
Secretary.

It agrees to the letter with its original, which appears in the proper espediente, from which I caused the present testimonial to be taken for the security of the interested party, at the city of Los Angeles, capitol of the department, on the 10th May, 1845, the citizens Francisco Lopez and Ygnacio del Valle being witnesses.

In testimony of the truth.

PIO PICO.
JUAN BANDINI,
Secretary.

Filed Oct. 19th, 1855.

C. E. CARR, *Clerk.*

Decree.

The United States, appellants, }
vs. } No. 86—"Santa Anita."
Henry Dalton, appellee. }

District Court of the United States, southern district of California.

This cause coming on to be heard, at a special term of this court, on an appeal from the final decision of the commissioners to ascertain and settle private land claims in the State of California, under an act of Congress approved March 3d, 1851, on a transcript of the proceedings and decision, and the papers and evidence on which said decision was founded, and on additional testimony taken in this court, and it appearing to the court that said transcript has been duly filed according to law, and counsel for the respective parties having been heard, it is ordered, adjudged, and decreed, that said decision be and is hereby